

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHAD EICHENBERGER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ESPN, INC., a Delaware corporation,

Defendant.

NO. 2:14-CV-00463

[PROPOSED] ORDER ON DEFENDANT'S  
MOTION TO DISMISS PLAINTIFF'S  
SECOND AMENDED COMPLAINT

THIS MATTER came before the Court on Defendant ESPN, Inc.'s ("ESPN") Motion to Dismiss Plaintiff's Second Amended Complaint.

The court considered the pleadings and records on file in this action and the following:

1. Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint;
2. Declaration of Bryan H. Heckenlively in Support of Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint;
3. Any responsive documents filed and served by Plaintiff; and
4. Any reply documents filed and served by ESPN.

The Court having reviewed and considered the argument of counsel, if any, the pleadings and records herein, and being otherwise fully advised in the premises, now, therefore, it is hereby

[PROPOSED] ORDER ON DEFENDANT'S MOTION TO  
DISMISS PLAINTIFF'S SECOND AMENDED  
COMPLAINT- 1  
(No. 2:14-CV-00463)

CAIRNCROSS & HEMPELMANN, P.S.  
ATTORNEYS AT LAW  
524 Second Avenue, Suite 500  
Seattle, Washington 98104-2323  
office 206 587 0700 fax 206 587 2308

1 ORDERED, ADJUDGED AND DECREED that: Defendant's Motion to Dismiss is  
2 GRANTED. Plaintiff's claims are hereby dismissed with prejudice.

3 Dated \_\_\_\_\_.

5 \_\_\_\_\_  
THE HONORABLE THOMAS S. ZILLY

6 Presented by:

7 MUNGER TOLLES & OLSON LLP

8 s/ Glenn D. Pomerantz

Glenn D. Pomerantz

9 Email: glenn.pomerantz@mto.com

355 South Grand Avenue

10 Thirty-Fifth Floor

Los Angeles, CA 90071

11 Telephone: 213-683-9100

12 Rosemarie T. Ring

Email: rose.ring@mto.com

13 Jonathan H. Blavin

Email: jonathan.blavin@mto.com

14 Bryan H. Heckenlively

Email: bryan.heckenlively@mto.com

15 560 Mission Street

Twenty-Seventh Floor

16 San Francisco, CA 94105

Telephone: 415-512-4000

17 *ADMITTED PRO HAC VICE*

18 CAIRNCROSS & HEMPELMANN, P.S.

19 s/ J. Thomas Richardson

20 J. Thomas Richardson

Email: trichardson@cairncross.com

21 Ana-Maria Popp

Email: apopp@cairncross.com

22 524 Second Avenue, Suite 500

Seattle, WA 98104-2323

23 Telephone: 206-587-0700

24 Counsel for ESPN, Inc.

**Certificate of Service**

I, Bryan H. Heckenlively, certify under penalty of perjury that on February 11, 2015, I electronically filed this document entitled [Proposed] Order on Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint using the CM/ECF system which will send notification of such filing to the following persons:

Clifford A. Cantor  
627 208<sup>th</sup> Avenue SE  
Sammamish, WA 98074  
Cliff.cantor@outlook.com  
*Counsel for Plaintiff*

Jay Edelson  
Rafey S. Balabanian  
Benjamin H. Richman  
J. Dominick Larry  
Edelson PC  
350 North LaSalle Street  
Suite 1300  
Chicago, IL 60654  
jedelson@edelson.com  
rbalabanian@edelson.com  
brichman@edelson.com  
nlarry@edelson.com  
*Counsel for Plaintiff*

DATED this 11th day of February, 2015, at San Francisco, California.

s/ Bryan H. Heckenlively

Bryan H. Heckenlively  
560 Mission Street  
Twenty Seventh Floor  
San Francisco, CA 94105  
Telephone: 415-512-4000